

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION**

<b>IN RE:</b>	§	
	§	<b>CASE NO. 17-70408</b>
<b>GREGORIO TREVINO and</b>	§	
<b>MARIA CARMEN TREVINO</b>	§	<b>(CHAPTER 11)</b>
<b>Debtors</b>	§	<b>JUDGE EDUARDO V. RODRIGUEZ</b>

**NUNC PRO TUNC APPLICATION TO EMPLOY NAI RIO GRANDE VALLEY AS REAL  
ESTATE AGENT PURSUANT TO 11 U.S.C. §327 & 328(a)**

This motion seeks an Order that may adversely affect you. If you oppose the motion, you should immediately contact the moving party to resolve the dispute. If you and the moving party cannot agree, you must file a response and send a copy to the moving party, you must file and serve your response within twenty-one (21) days of the date this was served on you. Your response must state why the motion should not be granted. If you do not file a timely response, the relief may be granted without further notice to you. If you oppose the motion and have not reached an agreement, you must attend the hearing. Unless the parties agree otherwise, the Court may consider evidence at the Hearing and may decide the motion at the Hearing. Represented parties should act through their Attorney.

TO THE HONORABLE EDUARDO RODRIGUEZ, UNITED STATES BANKRUPTCY JUDGE:

Gregorio Trevino and Maria Carmen Trevino , (the “Movant”) files this Nunc Pro Tunc Application to Employ NAI Rio Grande Valley (the “Firm”) as Real Estate Agent pursuant to 11 U.S.C. § 328(a).

**Application to Employ**

1. The Movant desires to employ the Firm on a commission fee basis to represent the Movant in the listing and sale of Movant’s Property located at 105 E. Moore Rd., San Juan, Texas 78589, Hidalgo County, Texas.
2. The employment of the Firm is required at this time to pursue the sale of the Movant’s property for the benefit of the estate.
3. The Firm maintains offices at 1400 N. McColl, Suite 104B, McAllen, Texas 78501. The Firm’s main telephone number is (956) 994-8900.

4. The Movant has selected the Firm because its members have extensive real estate experience. The Movant believes that the Firm can provide the estate with the required expertise to allow the Movant to handle this sale effectively and prudently.

5. Laura Liza Paz, of the Firm will be designated as Selling Agent and will be responsible for the representation of the Movant by the Firm as set forth in this Application.

6. Laura Liza Paz is a licensed real estate agent in the State of Texas. Ms. Paz has significant experience in handling the sale of residential real property. The Movant has selected Ms. Paz because of his prior experience and specialization in sales of this type.

7. The Firm will render professional services including, but not limited to: listing the Property for sale; marketing the Property; showing the Property to potential buyers; and negotiating the sale of the Property.

8. The Firm has not previously represented the Movant prior to this bankruptcy case. Except as set forth above and in the attached affidavit, the Firm has no other connection with the Debtor, its creditors, any other parties in interest, their respective attorneys and accountants, the United States trustee, or any person employed in the office of the United States trustee and is a “disinterested person” within the definition of Section 101(14) of the Bankruptcy Code on the matters for which it is to be engaged as special counsel. See Attached Affidavit. Compensation

9. The Movant has negotiated a commission fee arrangement with the Movant. Under the proposed agreement, the Firm will receive six percent (6%) of the sales price. A copy of the proposed agreement is attached as Exhibit 1.

10. Under the circumstances, the Movant believes Application to Employ that the terms of the proposed agreement are both reasonable and prudent. The estate incurs no additional administrative expense without a direct corresponding benefit.

11. The Firm has not received any funds from the Debtor or any other party in this case.

12. In the attached affidavit, the Firm has identified the amount and source of compensation to be paid to the Firm for services rendered in connection with its representation of the Movant in this case. Authority for Employment Nunc Pro Tunc .

13. The Debtor originally contacted the Firm on or about May 31, 2018 to represent the Debtor in connection with the sale of the Property. The Firm immediately took action in the case to protect the Debtor's interests and has continuously since represented the Debtor. The firm was not aware of the need to have its employment approved. As soon as the Firm discovered the need for court approval, it promptly took all necessary actions to prepare/file this nunc pro tunc application.

14. The Court has discretion to issue an order approving the employment of an agent nunc pro tunc under its general equity powers. In re Triangle Chemicals, Inc., 697 F.2d 1280, 1288-89 (5th Cir. 1983). Bankruptcy Local Rule 2014-1(b) sets forth the requirements for a nunc pro tunc application. First, Movant and the Firm were not aware of the need for Court approval of the Firm's employment. Second, nunc pro tunc approval is required because services have already been provided. Finally, no party has been prejudiced by the delay. Further, Movant anticipates that the sale of the Property will be a benefit to the creditors of the bankruptcy estate. The Firm understands that it bears responsibility for ensuring that its employment applications are properly filed with the Court. The Firm has, however, acted reasonably and Application to Employ prudently in this case. No party has been prejudiced. Under these circumstances, an order nunc pro tunc is appropriate.

Accordingly, the Movant requests that the Court approve the retention of the Firm as real estate agent under 11 U.S.C. § 328(a) nunc pro tunc as set forth above and for such other relief as is just.

Dated: June 26, 2018

Respectfully submitted  
The Law office of Christopher Lee Phillippe  
248 Billy Mitchell Blvd.  
Brownsville, TX 78521  
956-544-6096  
Fax: 956-982-19-21

BY: /s/ Christopher Lee Phillippe  
Christopher Lee Phillippe

Email: [clphillippe@cameroncountylawyer.com](mailto:clphillippe@cameroncountylawyer.com)

### **CERTIFICATE OF SERVICE**

I hereby certify that, pursuant to Bankr. R. 2014, this instrument was served by United States first class mail, with proper postage affixed, addressed to the parties set forth on the attached Service List on this June 26, 2018.

/s/ Christopher Lee Phillippe  
Christopher Lee Phillippe

**U.S TRUSTEE:**

Stephen Statham  
606 N. Caranchua, Ste. 1107  
Corpus Christi, Texas 78401  
Email: [stephen.statham@usdoj.gov](mailto:stephen.statham@usdoj.gov)

**DEBTOR**

Gregorio Trevino  
105 E. Moore Rd.  
San Juan, TX 78589  
and  
Maria Carmen Trevino  
105 E. Moore Rd.  
San Juan, TX 78589

NAI Rio Grande Valley  
% Laura Liza Paz  
1400 N. McColl, Suite 104B  
McAllen, Texas 78501  
Via email: [laurap@nairgv.com](mailto:laurap@nairgv.com)

And all other Creditors .....

<p>Ocwen Loan Servicing, LLC Attn: Research Dept. 1661 Worthington Rd, Ste 100 West Palm Beach, FL 33409 Via U.S.P.S. First Class Mail</p> <p>Internal Revenue Service 300 E. 8th St. STOP 5026AUS Austin, TX 78701 Via U.S.P.S. First Class Mail Texas</p> <p>Comptroller of Public accounts P O Box 13528 Austin, TX 78711-3528 Via U.S.P.S. First Class Mail</p> <p>Texas Workforce Commission P O Box 1298 McAllen, TX 78505 Via U.S.P.S. First Class Mail</p> <p>Affirm Inc 633 Folsom St Fl 7 San Francisco, CA 94107</p> <p>Afni 1310 Martin Luther King Dr Bloomington, IL 61701</p> <p>Cavalry Portfolio Services ATTN: Bankruptcy Dept. 500 Summit L Valhalla, NY 10595</p> <p>Cavalry SPV I, LLC 500 Summit Lake Drive, Ste 400 Valhalla, NY 10595</p>	<p>Internal Revenue Service Centralized Insolvency Operation P O Box 7346 Philadelphia, PA 19101</p> <p>Internal Revenue Service 300 E. 8th St. STOP 5026 AUS Austin, TX 78701</p> <p>LVNV Funding, LLC its successors and assigns as assignee of FNBM, LLC Resurgent Capital Services PO Box 10587 Greenville, SC 29603-0587</p> <p>Mabt - Genesis Retail Po Box 4499 Beaverton, OR 97076</p> <p>Marcos D. Oliva, PC Marcos D. Oliva 223 W Nolana Ave Mcallen, TX 78504-2500</p> <p>Midland Funding Attn: Bankruptcy PO Box 939069 San Diego, CA 92193</p> <p>Navient Solutions, LLC on behalf of Department of Education Loan Services PO BOX 9635 Wilkes-Barre, PA 18773-9635</p> <p>OCWEN LOAN SERVICING, LLC ATTN: BANKRUPTCY DEPARTMENT</p>
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Chamberlain-Hrdlicka 112 E. Pecan Street 1450 San Antonio, TX 78205	P O BOX 24605 WEST PALM BEACH, FL 33416-4605
Comenity Bank/Avenue PO Box 182125 Columbus, OH 43218	Ocwen Loan Servicing Llc Attn: Research Dept 1661 Worthington Rd Ste 100 West Palm Beach, FL 33409
Comenity Bank/ctpr&bks PO Box 182125 Columbus, OH 43218	Portfolio Recovery PO box 41067 Norfolk, VA 23541-1067
Comenity Capital Bank/HSN PO Box 182125 Columbus, OH 43218	Portfolio Recovery Associates, LLC POB 12914 Norfolk VA 23541
Comenitybank/venus Comenity Bank PO Box 182125 Columbus, OH 43218	Premier Bankcard, Llc Jefferson Capital Systems LLC Assignee Po Box 7999 Saint Cloud Mn 56302-9617
Comenitybank/woman W 4590 E Broad St Columbus, OH 43213	Quantum3 Group LLC as agent for Comenity Bank PO Box 788 Kirkland, WA 98083-0788
Compass Bank Attn: Bankruptcy PO Box 10566 Birmingham, AL 35296	Quantum3 Group LLC as agent for Comenity Capital Bank PO Box 788 Kirkland, WA 98083-0788
Comptroller of Public Accounts C/O Office of the Attorney General Bankruptcy - Collections Division MC-008 PO Box 12548 Austin TX 78711-2548	Quantum3 Group LLC as agent for Sadino Funding LLC PO Box 788 Kirkland, WA 98083-0788
	Revl Per Mng Attn:Collections/Bankruptcy

<p>Credit One Bank Na PO Box 98873 Las Vegas, NV 89193</p> <p>Dept Of Ed/Navient Attn: Claims Dept P.O. Box 9635 Wilkes-Barr, PA 18773-9635</p> <p>Deville Mgmt 1132 Glade Road Colleyville, TX 76034</p> <p>Dynamic Recovery Solution 135 Interstate Blvd Suite 6 Greenville, SC 29615</p> <p>Emergency Savings Fund</p> <p>First Premier Bank 601 N. Minnesota Ave Sioux Falls, SD 57104</p> <p>First Premier Bank 601 S Minnesota Ave Sioux Falls, SD 57104</p> <p>Focus Receivables Mana 1130 Northchase Parkway Suite 150 Marietta, GA 30067</p> <p>Hidalgo County c/o Diane W. Sanders Linebarger Goggan Blair &amp; Sampson, LLP P.O. Box 17428 Austin, TX 78760</p>	<p>PO Box 1548 Lynnwood, WA 98036</p> <p>Rio Grande Regional Hospital Resurgent Capital Services PO Box 1927 Greenville, SC 29602</p> <p>Synchrony Bank/Amazon Attn: Bankruptcy PO Box 103104 Roswell, GA 30076</p> <p>Synchrony Bank/QVC GE Credit Retail Bank/Attn: Bankruptcy PO Box 103104 Roswell, GA 30076</p> <p>Texas Comptroller of Public Accounts P.O. Box 13528 Austin,, TX 78711-3528</p> <p>Texas Workforce Commission PO Box 1298 McAllen, TX 78505</p> <p>TEXAS WORKFORCE COMMISSION REGULATORY INTEGRITY DIVISION - SAU 101 EAST 15TH STREET, ROOM 556 AUSTIN, TX 78778-0001</p>
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